



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, AZ 85003

# FORMAL MEETING AGENDA

## BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, January 28, 2009  
9:00 AM**

Agendas are available at least 24 hours prior to each meeting in the Office of the Clerk of the Board, 301 West Jefferson, Tenth Floor, Phoenix, Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the internet at [http://www.maricopa.gov/Clk\\_board/Agendas.aspx](http://www.maricopa.gov/Clk_board/Agendas.aspx). One or more Board members may attend telephonically. Board members attending telephonically will be announced at the meeting. The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3). Accommodations for individuals with disabilities, including alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours' advance notice through the Office of the Clerk of the Board, 301 West Jefferson Avenue, Tenth Floor, Phoenix, Arizona 85003, (602) 506-3766, Fax (602) 506-6402, TDD (602) 506-2348. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

*See the Clerk and fill out a speaker's form if you would like to address the Board regarding any matter on the agenda.*

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**GREEN – APPROVED / RED – DENIED / BLUE – CONTINUED**  
**GOLD – WITHDRAWN / BROWN – NO ACTION**

1. **INVOCATION – NO ACTION**
2. **PLEDGE OF ALLEGIANCE – NO ACTION**
3. **ROLL CALL – NO ACTION**

### **BOARD OF SUPERVISORS**

4. **Pet Showcase by Maricopa County Animal Care and Control. – NO ACTION**

### **STATUTORY HEARINGS**

**Clerk of the Board**

5. **LIQUOR LICENSE APPLICATIONS – APPROVED**

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. **SPECIAL EVENT LIQUOR LICENSE FOR RISEN SAVIOR LUTHERAN CHURCH**

Approve a Special Event Liquor License Application for Lori Salazar Newham, Risen Savior Lutheran Church and School, 23914 S. Alma School Road, Chandler, AZ 85248, on February 14, 2009 at 5:00pm-12:00am. (SELL #869) ~~(Approval is contingent upon issuance of Special Use Permit (SUP) by Planning and Development)~~ (Planning and Development recommends denial) (C-06-09-248-L-00)

- b. **SPECIAL EVENT LIQUOR LICENSE FOR ST. KATHERINE GREEK CHURCH**

Approve a Special Event Liquor License Application for LaDane Edwin Vandenberg, St. Katherine Greek Orthodox Church at 2716 N. Dobson Road, Chandler, AZ 85224 on February 21, 2009 from 11:00am-9:00pm. (SELL #870) (C-06-09-250-L-00)

- c. **SPECIAL EVENT LIQUOR LICENSE FOR WISCONSIN DAY CLUB**

Approve a Special Event Liquor License for John A. Groff, Wisconsin Day Club,

10748 W. Claire Drive (Sun Bowl), Sun City, AZ 85351 on March 5, 2009 from 9:00am to 3:00pm. (SELL #871) (C-06-09-251-L-00)

**d. SPECIAL EVENT LIQUOR LICENSE FOR ARTS COUNCIL OF THE NORTH VALLEY**

Approve a Special Event Liquor License for Becky N. MacMillan, Arts Council of the North Valley, Inc., 41703 N. Gavilan Peak Pky., Anthem, AZ 85086 on April 25, 2009 from 6:00pm to 10:00pm. (SELL #872) (C-06-09-252-L-00)

**6. TONTO HILLS DOMESTIC WATER IMPROVEMENT DISTRICT – APPROVED**

Convene the scheduled public hearing for the petition to organize the Tonto Hills Domestic Water Improvement District. The District intends to purchase an existing domestic water delivery system that provides domestic water to all properties within the district. (Supervisor District No. 2)

Petitions with the requisite number of signatures have been presented requesting the formation of Tonto Hills Domestic Water Improvement District.  
(C-91-09-090-M-00)

**Public Works**

**7. ROAD FILE DECLARATIONS – APPROVED**

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

- a. ROAD FILE NO. A414** said alignment is also known as Calle Lejos from 95th Avenue to 93rd Avenue, lying within Supervisor District No.4. (C-91-09-083-M-00)

**Planning and Development**

**8. FEE SCHEDULE FOR THE DRAINAGE REGULATIONS FOR MARICOPA COUNTY – APPROVED AS AMENDED**

Pursuant to A.R.S. §11-251, convene the scheduled public hearing to solicit comments and consider the adoption of TA2008010, a proposal to amend the Fee Schedule for the Drainage Regulations of Maricopa County. The amended Drainage Regulation Fee Schedule is to be effective upon Board approval.

This amendment is to modify the existing fee structure for Precise Plans of Development to add an additional category that would allow minor accessory construction on existing properties, developed in substantial conformance with the Drainage Regulations, to be assessed a reduced flat fee rather than the existing parcel-based fee. This item was continued from the January 14, 2009 meeting. (C-44-09-064-M-00)

## **AGENCY ITEMS AND STATUTORY MATTERS**

### **COUNTY OFFICERS**

#### **Sheriff**

**9. RESCIND TERMINATION OF AGREEMENT FOR LAW ENFORCEMENT SERVICES WITH TOWN OF GUADALUPE – APPROVED**

Rescind action taken by the Board of Supervisors on September 17, 2008 (C-50-08-005-2-01) that authorized the Sheriff to terminate the agreement for law enforcement service with the Town of Guadalupe according to terms of the agreement. Upon approval of this item, the Sheriff will issue a letter of reinstatement of the Agreement for the period of July 1, 2007 through June 30, 2010 to the Town of Guadalupe. Also rescind related action taken by the Board of Supervisors on September 17, 2008 (C-50-08-005-2-01) that authorized an appropriation adjustment and restore the Sheriff's FY 2009 appropriation as follows: per A.R.S. 42-17106 increase the Sheriff's Office FY 2009 general fund (100) recurring (0000) revenue appropriation by \$348,858, \$1,205,046 annualized, and the Sheriff's Office FY 2009 general fund (100) recurring (0000) expenditure appropriation by \$280,559, \$975,772 annualized. (C-50-08-005-2-02)

**10. SHERIFF'S OFFICE GRANT FUND (251) MID YEAR RECONCILIATION – APPROVED**

Pursuant to A.R.S. 42-17106, approve appropriation adjustments decreasing revenue by \$672,940 and decreasing expenditures by \$1,462,223 in the FY 2008-09 Sheriff's Office (500) Grant Fund (251) Recurring (0000) budget. Approval of this item will result in an overall grant fund appropriation of \$6,085,927 in revenues and expenditures. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. Sheriff's grant awards are processed and approved according to County policy throughout the year and this annual mid-year reconciliation provides a more realistic alignment with the forecast which is based on actual awards.

The Sheriff's Office FY 2008-09 indirect costs rate is 12.2%. These cumulative changes result in decreases in unrecoverable indirect costs totaling \$(248,980.04). (C-50-09-050-G-00)

#### **Superintendent of Schools**

**11. APPLY AND ACCEPT GRANT FOR THE 2009 AZ ESA PROFESSIONAL DEVELOPMENT PROJECT – APPROVED**

Approve the application and acceptance of grant funds from Arizona Department of Education (ADE) 2009-AZ ESA Professional Development Project No. 09FAAAZE-970696-

02A, by the Maricopa County Superintendent of Schools, in the not-to-exceed amount of \$112,909.20 for the purpose of targeting teachers of middle schools in Maricopa County, to provide these teachers with professional development to help them gain the necessary credentials, with emphasis in Mathematics and Science. The grant award begins on July 1, 2008 and ends on August 31, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Superintendent of Schools or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Superintendent of Schools composite indirect cost rate at 19.50%, or \$22,017.29. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$22,017.29. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This 14-month grant from the Arizona Department of Education (ADE) will provide training for teachers in Maricopa County who do not, or will not by the state-imposed deadline, have the appropriate credentials to teach the subject and grade level to which they are assigned. It is the objective of this grant program to provide these teachers with professional development to help them gain those credentials, with an emphasis on middle school Mathematics and Science. Also, this grant program will provide some content instruction expenses. (C-37-09-003-G-00)

**Treasurer**

**12. TAX DEEDED LAND SALE – APPROVED**

Pursuant to A.R.S. §42-18303(E) accept the cash offer of \$500.00 by Juan Cruz on the following tax deed land parcel, 120-30-023, for which the following conditions apply:

1. Both the property offered for sale and the contiguous property were at one time under common ownership, or the property offered for sale is part of a common area maintained by a homeowners' association as determined by the County Assessor.
2. The property offered for sale cannot be separately used for residential purposes pursuant to applicable building codes and ordinances of the jurisdiction in which the property is located due to its size, configuration or recorded common area restrictions.

Date Previously Offered	Parcel No.	Purchaser / Name for the Deed	Amount of Offer	Amount of charges against the parcel
N/A	120-30-023	Juan Cruz	\$500	\$2,156.82

Direct that the Treasurer's Office accept payment and prepare the deed to convey the property sold and deliver to the Clerk of the Board for further processing. Pursuant to A.R.S. §42-18262(A), the proceeds from the sale in the amount of \$500 will revert to the County General Fund. The Treasurer recommends to the Board of Supervisor that the offer be accepted. (C-43-09-009-8-00)

**TRIAL COURTS**

**Superior Court Judges and Commissioners**

**13. SUPERIOR COURT ADMINISTRATION GRANTS FOR FY 2008-09 – APPROVED**

Accept the FY 2008-09 grants and associated revenue for Superior Court Administration of the Judicial Branch in the amount of \$1,412,709 total. The indirect costs (based upon a rate of 38.6% certified by the Dept of Finance) of \$543,900 are not fully recoverable from the funding, as most of the grants for FY 2008-09 do not allow for indirect cost recovery. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and, therefore, expenditure of these revenues is not prohibited by the budget law.

Administrative Order #95-50, approved by Presiding Judge Robert D. Myers on June 29, 1995, adopted for the Judicial Branch a policy for the administration of grant funding. The policy, identical in form and substance to policy A2505 "Policy for Administering Grants" and all revisions adopted by the Board of Supervisors for all County departments, states that the Presiding Judge will make a presentation to the Board of Supervisors on an annual basis of the Judicial Branch's grants. A summary of each grant has been prepared in accordance with the provisions of the policy. The amount of the grants and associated revenue for Superior Court Administration for FY 2008-09 is \$1,412,709 total. The amount of the indirect cost recovery is \$543,900 total. The amount of unrecoverable indirect costs is \$540,259 total. One grantor (the Office of the Governor) allows for cost recovery of a maximum of 5% (\$3,641)--the other grants for FY 2008-09 do not allow for indirect cost recovery, as reflected in the funding agreements (copies of the agreements have been provided to Dept of Finance staff). (C-80-09-005-G-00)

**DEPUTY COUNTY MANAGER**

**Public Health**

**14. PROCUREMENT CHANGE ORDER FROM ARIZONA DEPARTMENT OF HEALTH SERVICES FOR WOMEN AND CHILDREN COMMUNITY HEALTH GROUP – APPROVED**

Approve Procurement Change Order No.1 to Purchase Order (E9H28550) which provides funding for Grant Award (HG754060-005) from the Arizona Department of Health Services to Maricopa County through its Department of Public Health (MCDPH) for the Women and Children Community Health Group. The Purchase Order total encumbrance amount is \$587,768 for budget period starting January 1, 2009 through December 31, 2009. All other terms and conditions shall remain in effect. The Department of Public Health indirect rate for FY 2008-09 is 18%. The grant indirect costs are estimated at \$76,694 all of which are fully recoverable, subrecipient expenses in the amount of \$85,000 are not subject to indirect.

An appropriations adjustment is not required at this time as these funds were included in the FY 2008-09 adopted budget. Funding for this agreement is provided by a grant from ADHS and does not increase the County general fund. (C-86-07-041-3-03)

**15. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICE FOR TOBACCO USE PREVENTION PROGRAM – APPROVED**

Approve Amendment No. 10 to the Intergovernmental Agreement (IGA) between the Arizona Department of Health Services (HG354361) and Maricopa County through its Department of Public Health for its Tobacco Use Prevention Program. This amendment increases funding in the amount of \$122,378 bringing the grant's new total to \$2,183,500 for

the budget term November 1, 2008 through June 30, 2009. This Amendment also includes administrative changes to the Uniform Terms and Conditions and the Scope of Work. The Department of Public Health's indirect rate for FY2008-09 is 18%. Arizona Department of Health Services only allows for 15% of Personnel Services and Employee Related Expenses. The full indirect costs are estimated at \$18,667, of which \$15,490 is recoverable and \$3,177 is not recoverable. Also, approve a revenue and expenditure appropriation adjustment to the Department of Public Health (860) Grant fund (532) Operating Budget (0000) associated with the aforementioned grant in an amount of \$122,378 for FY 2008-09 as these funds were not included in the FY 2008-09 adopted budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funds for this IGA are provided by ADHS and do not increase the County's general fund. (C-86-03-159-2-10)

**16. RESIDENT ROTATION AGREEMENT WITH MAYO CLINIC FOR LEARNING EXPERIENCES – APPROVED**

Approve the Resident Rotation Agreement and Addendum as Attachment A with Mayo Clinic through its Mayo School of Graduate Medical Education to allow residents to participate in learning experiences at the Maricopa County Department of Public Health (MCDPH). The term of this non-financial agreement is from October 1, 2008 and expires June 30, 2013. (C-86-09-044-3-00)

**17. AGREEMENT WITH CRANDALL & ASSOCIATES CONSULTING DIETITIANS, INC. FOR CLINICAL NUTRITION TRAINING – APPROVED**

Approve the non-financial Affiliation Agreement with Crandall & Associates Consulting Dietitians, Inc. to provide clinical nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is from January 1, 2009 through December 31, 2013. (C-86-09-045-3-00)

**18. AMENDMENT TO MEMORANDUM OF AGREEMENT WITH PARADISE VALLEY COMMUNITY COLLEGE FOR DIETETIC INTERNSHIPS – APPROVED**

Approve Amendment No. 2 to the Memorandum of Agreement between Paradise Valley Community College through The Office of Service Learning/Project Ayuda and Maricopa County through its Department of Public Health (MCDPH). This amendment extends the length of the Memorandum of Agreement for a third year term from December 9, 2008 through December 31, 2009. (C-86-07-062-0-02)

**19. AMENDMENT TO IGA WITH THE AVONDALE FIRE DEPARTMENT FOR CHILDHOOD IMMUNIZATIONS – APPROVED**

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) by and between The City of Avondale by and through The Avondale Fire Department (Avondale Fire) and Maricopa County through its Department of Public Health's Community Health Nursing Program (CHN). This amendment will delete and replace the Expiration Date, February 31, 2011 with February 28, 2011 on the Coversheet, Line 6. This amendment also makes additional administrative changes to the Section I, General Provisions. Funding for this IGA is provided by a grant from Arizona Department Health Services, and will not affect the County general fund. (C-86-08-045-2-01)

**20. SOLE SOURCE CONTRACT WITH THE ARIZONA IMMUNIZATION PARTNERSHIP FOR**

**IMMUNIZATION (TAPI) FOR BILLING IMMUNIZATIONS – APPROVED**

Approve the Sole Source Contract between The Arizona Partnership for Immunization (TAPI) and Maricopa County through its Department of Public Health (MCDPH). This contract will establish a program that would coordinate public health clinics so that Maricopa County could be compensated for immunizations administered to clients with current health insurance. This contract will generate revenue for MCDPH is a projected amount of \$200,000 between the funding period of January 1, 2009 through December 31, 2009. Appropriation adjustment to fund (265) in FY 2008-09 is not necessary. This additional funding will be offset by a reduction of Family Planning program fee fund budget for both revenue and expenditures in the amount of \$100,000. Therefore, the net impact to Public Health fee fund is zero. Administrative adjustment is required to shift funding and line item budget from Family Planning activity to Childhood Immunization activity within Public Health fee fund.

Budget for indirect cost recovery is posted in object 812, current FY 2009-10 indirect rate for fee fund is 19.10%. (C-86-09-046-3-00)

**Workforce Management and Development**

**21. IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR THE RYAN WHITE PART A PROGRAM – APPROVED**

Approve Intergovernmental Agreement HG952236 between Arizona Department of Health Services (ADHS) and Maricopa County through the Workforce Management and Development, in the not-to-exceed amount of \$1,000,000. The purpose of this Intergovernmental Agreement is to provide AIDS Pharmaceutical Assistance, administered by the Ryan White Part A Program. This Intergovernmental Agreement is effective from January 28, 2009 until January 27, 2010. (C-31-09-008-3-00)

**ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION**

**Animal Care & Control Services**

**22. AGREEMENT WITH ARIZONA POODLE RESCUE FOR NEW HOPE PROGRAM – APPROVED**

Approve an Agreement between Lou Murphy, d.b.a. Arizona Poodle Rescue, 43448 W. Rio Bravo Drive, Maricopa AZ 85238, and Maricopa County to allow Arizona Poodle Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 100 new hope rescues over the term of the agreement, for a total of \$4,000. The term of this Agreement is from January 28, 2009 through June 30, 2011. (C-79-09-065-3-00)

**23. DONATION – APPROVED**

Accept the monetary donation from **Richard Clayton** of Paradise Valley, AZ in the amount of \$5,000 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not

prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-064-D-00)

#### **Human Services**

**24. IGA WITH STATE OF ARIZONA, DEPARTMENT OF COMMERCE, ENERGY OFFICE – APPROVED**

Approve Amendment No. 2 to Intergovernmental Agreement between the State of Arizona, Department of Commerce, Energy Office (C056-08) and Maricopa County administered by its Human Services Department in the not-to-exceed amount of \$1,274,936. This is an increase of \$658,268 for the purpose of providing additional funding to the Low-Income Weatherization Assistance Program. This amendment is effective from July 1, 2008 to June 30, 2009. All other terms and conditions of the original Intergovernmental Agreement remain in full force and effect. Expenditure contracts for LIHEAP weatherization will need to be amended timely to utilize additional funding. The weatherization contractors receive the administration dollars to execute the weatherization services which is part of the \$658,268.00. There are no indirect funds to recoup on the additional \$658,268.00. Also approve revenue and expenditure appropriation adjustments to Human Services Department (220) Grant Fund (222) Operating Budget (Function/Project 0000) associated with the aforementioned grant in an amount of \$658,268.00 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by a grant from the State of Arizona, Department of Commerce, Energy Office C056-08 and will not impact the County general fund budget. The Department of Human Services indirect rate is 15.2 % for FY 2008-09. The total grant funds of \$658,268.00 are directed toward sub-recipient pass-through, which are not subject to indirect charges. Therefore, the estimated indirect cost is \$0. (C-22-09-022-3-02)

**25. MARICOPA COUNTY HEAD START ZERO-FIVE PROGRAM POLICY COUNCIL NEW HIRE PROCEDURE – APPROVED**

Approve the Maricopa County Head Start Zero-Five Program Policy Council New Hire Procedure, No. 11.02, as required by Head Start Performance Standards. This Procedure outlines the steps required to involve the Head Start Policy Council in the hiring process. It has been approved by the Maricopa County Head Start Zero-Five Policy Council and program staff. Effective upon approval. (C-22-09-126-6-00)

### **CHIEF FINANCIAL OFFICER**

#### **Finance**

**26. FUNDS TRANSFERS; WARRANTS – APPROVED**

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**27. ANNUAL ADJUSTMENT TO INMATE BOOKING AND HOUSING FEES – APPROVED**

Approve the annual adjustment to the inmate booking and housing fees charged to other jurisdictions for the use of Maricopa County jails. The effective date of this adjustment will be July 1, 2009. The inmate booking fee will decrease from \$199.35 to \$192.26 per inmate booked; the inmate housing fee will decrease from \$73.46 to \$71.66 per day.

As directed by the Board of Supervisors, the Department of Finance, in conjunction with the Sheriff's Office and the Office of Management and Budget, has completed the annual fee review for adult detention services and has developed new per diem rates for Board approval. The new per diem rates will be effective July 1, 2009. These per diem rates help cover the County's cost of operating and maintaining the jail system. The rates are calculated based on the FY 2008-09 budget. (C-18-09-036-2-00)

**Materials Management**

**28. SOLICITATION SERIALS – APPROVED**

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

**a. 08095-C, MSCO CANTEEN FOOD ITEMS**

RECOMMENDATION FOR AWARD: 08095-C, MSCO Canteen Food Items (\$7,000,000 estimate/three years with three one-year renewal options until January 31, 2012). Three year multiple-award price agreement for the purchase of various food products for MCSO Canteen. Items on this agreement are made available for purchase by MCSO inmates. Awardee: Food Express USAJenny Service Co. JNS Foods Inc. Keefe Supply CompanyKellogg Supply, Inc. Snackers Delight Inc. Vistar/Vend Source Arizona (C-73-09-048-3-00)

**ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

**Equipment Services**

**29. IGA WITH MORRISTOWN ELEMENTARY SCHOOL DISTRICT #75 FOR FUEL – APPROVED**

Approve an Agreement between Maricopa County Equipment Services and the Morristown Elementary School District #75. This agreement allows Maricopa County to sell fuel from the County Fueling Stations to this agency. The term of this agreement begins on July 1, 2008 and ends on June 30, 2009, with the option to renew for four additional one-year terms. (C-74-09-002-3-00)

**Planning and Development**

**30. SETTLEMENT AGREEMENT REGARDING CODE ENFORCEMENT VIOLATION CASE NO. V200301459 – APPROVED**

Approve the settlement agreement in the matter of Allan and Heidi Sherman, Code Enforcement Case No. V200301459, in the amount of \$5,042. This matter was discussed in

Executive Session on November 6, 2008.

The settlement amount shall be paid immediately by the property owners to the Maricopa County Planning and Development Department. Upon Payment, Case No. V200301459 shall be closed. The settlement agreement shall be considered effective and in force when signed by both parties and upon approval by the Board of Supervisors. If the settlement amount remains unpaid within 30 days of the effective date of this settlement agreement, the matter will be turned over to a collection agency. (C-44-09-072-M-00)

**31. DONATION OF THIRTY SEVEN COMPUTERS TO THE HUMAN SERVICES CAMPUS – APPROVED**

Pursuant to A.R.S. §11-251(9), approve the donation of thirty seven computers to the Human Services Campus, a 501(c)(3) organization, and authorize the execution of any necessary conveyance documents. The computers are surplus equipment and/or materials that have little or no value and cannot be auctioned.

The thirty seven computer systems are surplus computers previously utilized by the Regional Development Services Agency that have been replaced by newer models. These computers were purchased through the Technology Leasing Program. The loans were fully paid on or before September 30, 2008, so there is no financial obligation. As per Board action C-44-09-044-M-00 item authorizing the RDSA IT to conduct a Pilot program, the computers have hard drives that have had all data purged using the National Institute of Standards and Technology, NIST Secure Erase utility or the Department of Defense DOD 5220.22-M standard, formatted and as per Microsoft standard licensing agreements and have been re-imaged with the operating system as delivered from Dell and in accordance with the affixed Windows Certificate of Authorization, COA. (C-44-09-065-D-00)

## **ASSISTANT COUNTY MANAGER - PUBLIC WORKS**

### **Facilities Management**

**32. ADJUSTMENT TO FY 2008-2009 MAJOR MAINTENANCE BUDGET – APPROVED**

Approve the following FY 2008-2009 Major Maintenance budget adjustments in Year 1, Non-Departmental (470), General Fund (100):a) Decrease Equipment Services (EQSV) by \$900,000b) Create a project entitled “1st Ave Jail” (FSVJ), in the amount of \$900,000c) Decrease Emergency Services Administration Improvements (ESAI) by \$158,000d) Decrease Southport Adult Probation (SPAP) by \$67,000e) Increase Southeast Regional Infrastructure Improvements (SICU) by \$225,000These adjustments have a net zero impact on the overall County budget. (C-70-09-020-2-00)

**33. ADJUSTMENTS TO FY 2008-2009 MAJOR MAINTENANCE BUDGET – APPROVED**

Approve the following FY 2008-2009 Major Maintenance budget adjustments in Year 1, Non-Departmental (470), Detention Fund (255):a) Decrease Inmate Court Holding (INSC) by \$100,000b) Add a new project entitled “Estimating Program” (PPFE), in the amount of \$100,000c) Decrease Towers jail Infrastructure Improvements (TIJU) by \$100,000d) Add a new project entitled “Durango Juvenile Infrastructure Improvements” (DDII) in the amount of \$100,000These adjustments have a net zero impact on the overall County budget. (C-70-09-021-2-00)

### **Public Works**

**34. SETTLEMENT AGREEMENT IN RAMIREZ V. MARICOPA COUNTY AND FLOOD CONTROL DISTRICT – APPROVED**

Approve a settlement agreement that resolves two lawsuits filed by a Flood Control District employee against the Flood Control District of Maricopa County and Maricopa County. The parties have agreed to terms and this agreement will settle all claims between the two parties. The agreement was negotiated by outside counsel and reviewed by the Maricopa County Attorney's Office.

Board approval is requested of a settlement agreement which will resolve two pending lawsuits brought by a Flood Control District employee. The parties have agreed to the terms as set forth in the attached proposed agreement. The primary elements of the proposed agreement are that the employee will dismiss both lawsuits with prejudice, each party to bear its own costs and fees, and will provide the County and the Flood Control District with a full release, in exchange for no money, but for a market study involving his position and like positions. The employee has signed the agreement, in which he acknowledges that the County budget crisis will make any salary or position adjustment unlikely or impossible. The employee has also agreed he has no right to appeal the review. This item impacts all Supervisory Districts. (C-91-09-094-S-00)

**35. CONTRACTS FOR ON CALL TRAFFIC ENGINEERING SERVICES – APPROVED**

Approve five Fiscal Year Contracts for the purpose of pending and new projects requiring On-Call Traffic Engineering Services.

Each contract is effective for 730 calendar days with the option for a one year renewal following the Board of Supervisors approval or until the expenditure of \$400,000 whichever occurs first. Contracts are as follows: Contract No. 2008-032 – CK Group Contract No. 2008-033 – AZTEC Contract No. 2008-034 –PBS&J Contract No. 2008-044 – SouthWest Traffic Contract No. 2008-045 – Y. S. Mantri & Associates. The services provided under the on call traffic services typically include traffic impact studies, traffic/transportation engineering research and operational analysis, and safety improvement studies regarding traffic engineering issues. The services under this contract were procured in accordance with Article 5, MC1-504 of the Maricopa Procurement Code. The services performed under these contracts may encompass all Supervisory Districts. Supervisory District No(s). All (C-91-09-100-5-ZZ)

C-91-09-095-5-00  
C-91-09-096-5-00  
C-91-09-097-5-00  
C-91-09-098-5-00  
C-91-09-099-5-00

**36. ~~CONSENT TO ASSIGNMENT WITH HASSAYAMPA RANCH DEVELOPMENT AGREEMENT~~  
CONSENT TO TWO ASSIGNMENTS OF HASSAYAMPA RANCH DEVELOPMENT AGREEMENT – APPROVED**

~~Approve the Consent to Assignment with Hassayampa Ranch Ventures A, B, C, & D, LLC, each a Delaware limited liability company (Assignors), and Maricopa County through the Transportation Department, for the purpose of consenting to transferring rights and responsibilities associated with the Hassayampa Ranch Development Agreement Number C-64-08-220-0-00 to Hassayampa Ranch (Phoenix) ASLI V, L.L.L.P., a Delaware limited~~

liability limited partnership ("Assignee"). The Consent to Assignment is non-financial and is effective from January 28, 2009 and with the same termination terms as the Development Agreement.

~~On June 18, 2008 (C-64-08-220-0-00), the Board of Supervisors approved the Hassayampa Development Agreement with the Hassayampa Ranch Ventures A, B, C, & D, LLC for the Hassayampa Ranch Development Master Plan (Assignors). The Assignors are conveying the subject property to the Assignee and is requesting that they be released from all rights and responsibilities associated with the Development Agreement, and that such rights and responsibilities be assigned to the Assignee, including those contained in Development Agreement. C64-08-220-0-00. Supervisory District No. 4~~

Approve the Consents to Assignment by Hassayampa Ranch Ventures, LLC, to Hassayampa Ranch Ventures A, B, C & D, LLC, each a Delaware limited liability company, and by Hassayampa Ranch Ventures A, B, C & D, LLC, to Hassayampa Ranch (Phoenix) ASLI V, L.L.L.P., a Delaware limited liability partnership ("Assignee"), for the purpose of consenting to transferring of rights and responsibilities associated with the Hassayampa Ranch Development Agreement Number C-64-08-220-0-00, between Hassayampa Ranch Ventures, LLC, and Maricopa County through the Department of Transportation. The Consent to Assignment is non-financial and is effective from January 28, 2009, and with the same termination terms as the Development Agreement.

On June 18, 2008 (C-64-08-220-0-00), the Board of Supervisors approved the Hassayampa Development Agreement with Hassayampa Ranch Ventures, LLC, the managing entity for Hassayampa Ranch Ventures A, B, C & D, LLC (collectively, the "Assignors"). The Assignors are conveying the subject property to the Assignee and are requesting that they be released from all rights and responsibilities associated with the Development Agreement, and that such rights and responsibilities be assigned to the Assignee including those contained in the Development Agreement (C-64-08-220-0-00) (Supervisory District 4). (C-64-08-220-0-01)

## **BOARD OF SUPERVISORS**

### **Clerk of the Board**

#### **37. APPOINTMENT TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARDS – APPROVED**

Pursuant to A.R.S. §38-847 and §38-893, approve the appointment of Kathleen M. Hobbs as a citizen member to the following local boards:

- County Attorney Investigator's Public Safety Personnel Retirement System Local Board
- Park Police Public Safety Personnel Retirement System Local Board
- Sheriff's Office Public Safety Personnel Retirement System Local Board
- Corrections Officer Retirement Plan Local Board

Ms. Hobbs was elected Chairman of the Merit System Commission on January 7, 2009. She will fill the unexpired terms of the former Chairman effective as of the date of Board approval through December 31, 2009. (C-06-09-247-9-00)

#### **38. APPOINTMENT TO THE EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM – APPROVED**

Approve the appointment of Margarita Leyvas, Assistant Director of the Maricopa County Human Services Department, Community Services Division as the Maricopa County representative on the Emergency Food and Shelter Local Board (EFSP). Ms. Leyvas will serve a one-year term or for the duration of Phase 27 (EFSP program year). The term of appointment will be effective as of the date of Board approval through October 31, 2009 or until the current Phase is officially ended at which time a new Board will be seated. (C-22-09-127-9-00)

## **SETTING OF HEARINGS**

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

### **Planning and Development**

#### **39. ZONING CASES – APPROVED**

Schedule Planning and Development public hearings on zoning cases and other matters for the February 11, 2009 meeting. (C-44-09-076-M-00)

## **CONSENT AGENDA**

### **Clerk of the Board**

#### **40. CANVASS OF ELECTIONS – APPROVED**

Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's Office. (C-06-09-265-7-00)

#### **41. DUPLICATE WARRANTS – APPROVED**

Pursuant to A.R.S. §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-266-7-00)

#### **42. PRECINCT COMMITTEEMEN – APPROVED**

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-263-7-00)

#### **43. SECURED TAX ROLL CORRECTIONS – APPROVED**

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office.

(C-06-09-267-7-00)

**44. SETTLEMENT OF PROPERTY TAX CASES – APPROVED**

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated January 28, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-269-7-00)

**45. TAX ABATEMENTS – APPROVED**

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-268-7-00)

**BOARD OF SUPERVISORS ADDENDUM**

**Sheriff**

**A-1. AMENDMENT TO IGA WITH THE CITY OF GOODYEAR FOR LAW ENFORCEMENT SERVICES – APPROVED**

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) between City of Goodyear and Maricopa County through the Sheriff's Office to reduce the level of contracted law enforcement service resulting in a new annual contract value of \$175,594. The original contract began July 1, 2007 following the City's annexation of the Sonoran Valley. This amendment is effective from February 1, 2009 to June 30, 2010. All other terms and conditions of the Law Enforcement Intergovernmental Agreement remain in full force and effect. Also approve per A.R.S. §42-17106 reductions in Sheriff's Office FY 2009 recurring 0000 general fund (100) revenue and expenditures as follows, (\$197,947), (\$472,673) annualized. Approval of this item will result in the abolishment of four deputy positions. Intergovernmental Agreement revenues are not local revenues for purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The original contract level of one full beat was established upon annexation of the Sonoran Valley by the City of Goodyear. The plans for an extraordinarily large residential development that would fund this service have not materialized, thus the demand is considerably less than originally anticipated. (C-50-07-068-2-01)

**A-2. DONATION FROM AND AGREEMENT WITH EDUCATIONAL OPTIONS, INC. REGARDING HARD KNOCKS HIGH – APPROVED**

Approve an agreement between Educational Options, Inc. and Maricopa County on behalf of the Maricopa County Sheriff's Office that provides middle school, high school, and GED preparation courses to the students of Hard Knocks High and documents the success of the Stars Suite™ educational software in Maricopa County Sheriff's Office secure facilities. Also accept the donation of Educational Options' Stars Suite™ of products, including the Novel™ middle and high school courses, GED Duo™, High School Prep courses and TestPak by Educational Options valued at \$81,250 in software licenses, training and support. This amount includes a \$1,000 cash donation to fund 12 months of a required internet connection. This term of this agreement is 12 months, unless terminated by either party without penalty with 60 days written notice, and it is effective February 1, 2009. (C-50-09-

051-M-00)

#### **Adult Probation**

#### **A-3. ACCEPT FY 2008-09 GRANTS FOR THE ADULT PROBATION DEPARTMENT – APPROVED**

Accept the FY 2008-09 grants and other associated revenues for the Adult Probation Department of the Judicial Branch. The indirect cost rate as of July 2008 is 9.1% as approved by the Department of Finance. Most of the grants for FY 2008-09 do not allow the indirect cost recovery, as reflected in the funding agreements. The status of indirect costs for each grant is noted on the attached summary sheets. For FY 2008-09 we anticipate accepting 17 new awards for Grants Fund revenue of \$4,651,627 and carrying over Grants Fund revenue balances of \$260,064 on five previously accepted awards. On the new awards, indirect costs on eligible expenditures are estimated to be \$420,072.17 with \$37,189.85 of indirect costs recoverable and \$382,882.32 unrecoverable. In addition, approve an increase to the Adult Probation Grant Fund (211) revenue and expenditure appropriation in the amount of \$375,222. This increase is necessary because actual grant funding to be received is more than anticipated and budgeted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation and, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

Administrative Order #95-50, approved by Presiding Judge Robert D. Myers on June 29, 1995, adopted for the Judicial Branch a policy for the administration of grant funding. The policy is identical in form and substance to policy A2502 "Policy for Administering Grants" and all revisions adopted by the Board of Supervisors for all County departments. The policy states that the Presiding Judge will make a presentation to the Board of Supervisors on an annual basis of the Judicial Branch's grants. A summary of each grant has been prepared in accordance with the provisions of the policy. All supporting documents are electronically attached to this agenda. (C-11-09-002-G-00)

#### **Management and Budget**

#### **A-4. REVISIONS TO POLICIES REGARDING GRANT BUDGETS – APPROVED**

Adopt the revised Budgeting for Results Policy Guidelines (B1006) and the revised Budgeting for Results Accountability Policy (B1001). These revisions will:

- 1) Clarify and streamline the process for developing and amending budgets for grant funds; and
- 2) Specify that department audit findings that cause a negative financial liability to the County may result in line-item budget review; and
- 3) Make technical corrections and updates.

These revised policies are effective upon Board approval. (C-49-09-046-6-00)

#### **Finance**

#### **A-5. AMENDMENT TO INTERGOVERNMENTAL LEASE AGREEMENT WITH MARICOPA REGIONAL SCHOOL DISTRICT NO. 509 – APPROVED**

Approve Amendment No. 1 to the Intergovernmental Lease Agreement (G-30110) entered into between Maricopa County and Maricopa Regional School District No. 509 for use of County-owned property located at 358 N. 5th Avenue in Phoenix, Arizona 85003. This item was discussed in Executive Session on January 26, 2009. (C-18-08-059-1-02)

**A-6. AGREEMENT WITH MARICOPA REGIONAL SCHOOL DISTRICT NO. 509 FOR USE OF COUNTY-LEASED OFFICE SPACE – APPROVED**

Approve a Facilities Use Agreement (G-30118) between Maricopa County and Maricopa Regional School District No. 509 for use of County-leased office space located on the 11th Floor of 4041 N. Central Avenue in Phoenix, Arizona.

The subject Intergovernmental Lease Agreement (G-30118) is a facility use agreement allowing the Maricopa County Regional School District No. 509 to use current vacant office space in the County-leased premises on the 11th Floor of 4041 N. Central Avenue in Phoenix, Arizona. The effective date of the agreement is on, or about, March 1, 2009, and will terminate on June 30, 2011, unless terminated earlier as provided for in the Agreement. The Maricopa County Regional School District No. 509 is taking the subject office space “as is” and the Maricopa County Regional School District No. 509 will be responsible for the financial cost of any alterations necessary to make the vacant space suitable for its occupancy. . This item was discussed in Executive Session on January 26, 2009. **THIS ITEM REQUIRES A UNANIMOUS APPROVAL OF THE BOARD OF SUPERVISORS.** (C-18-09-039-1-00)

**Parks and Recreation**

**A-7. AGREEMENT AND ACCEPT FUNDS FOR THE GENERAL JOE FOSS SHOOTING COMPLEX AT BUCKEYE HILLS – APPROVED**

Approve the Collection Agreement and accept the funding from Arizona Game and Fish Department in the amount of \$20,000 for the operation and enhancement of the General Joe Foss Shooting Complex at Buckeye Hills which will be in effect until June 30, 2009. The department's indirect cost rate for FY2009 is 19.5%. Indirect costs are not recoverable and calculated to be \$3,900. Also authorize the Parks and Recreation Department to sign necessary reporting and reimbursement paperwork to administer the grant.

Under authorization of the Intergovernmental Agreement approved on December 3, 2008 (C-30-09-015-3-00), the Parks and Recreation Department applied for funding with the Arizona Game and Fish Commission to enhance, operate and the General Joe Foss Shooting Complex at Buckeye Hills. The subsequent award is \$20,000. (C-30-09-019-G-00)

**Public Works**

**A-8. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS – APPROVED**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-272-7-00)

**FLOOD CONTROL DISTRICT AGENDA**

**F-1. SETTLEMENT AGREEMENT IN RAMIREZ V. MARICOPA COUNTY AND THE FLOOD CONTROL DISTRICT – APPROVED**

Approve a settlement agreement that resolves the lawsuit filed by a Flood Control District employee against the Flood Control District of Maricopa County (District). The parties have agreed to terms and this agreement will settle all claims between the employee and the District. The agreement was negotiated by outside counsel and reviewed by the Maricopa County Attorney's Office.

This is a settlement for Case No. CV08-981-PHX-SRB filed against the District and CV2007-011053 filed against Maricopa County. A separate action to accept the settlement for Maricopa County was submitted under C-91-09-094-S-00. Board approval is requested of a settlement agreement which will resolve two pending lawsuits brought by a Flood Control District employee. The parties have agreed to the terms as set forth in the attached proposed agreement. The primary elements of the proposed agreement are that the employee will dismiss both lawsuits with prejudice, each party to bear its own costs and fees, and will provide the County and the Flood Control District with a full release, in exchange for no money, but for a market study involving his position and like positions. The employee has signed the agreement, in which he acknowledges that the County budget crisis will make any salary or position adjustment unlikely or impossible. The employee has also agreed he has no right to appeal the review. This item impacts all Supervisory District's. (C-69-09-041-S-00)

**F-2. ADJUSTMENT #2 TO FY 2008-09 CIP BUDGET – APPROVED**

Approve the following adjustments to the Flood Control District of Maricopa County (District) (690) FY 2009-2013 Five-Year Capital Improvement Program (CIP), which result in a net change of \$0:

**Decrease** Flood Control Capital Projects Fund (990) Year 1 (FY 2008-09) project expenditure budgets as follows:

Project Number	Name	Amount
F022	City of Chandler	\$100,000
F117	South Phoenix Drainage Improvements	\$45,000
F121	East Maricopa Floodway	\$633,000
F211	Buckeye/Sun Valley ADMP	\$300,000
F420	Spook Hill ADMP	\$420,000
F442	East Mesa ADMP	\$1,086,000
F470	White Tanks ADMP	\$200,000
F480	Queen Creek ADMP	\$54,000
F620	Maryvale ADMP	\$333,000
F625	Metro ADMP	\$256,000
Reserve (FCPR)		\$435,000

**Increase** Flood Control Capital Projects Fund (990) Year 1 (FY 2008-09) project expenditure budgets as follows:

Project Number	Name	Amount
F026	City of Phoenix	\$185,000
F118	Arizona Canal Diversion Channel	\$560,000
F126	Salt/Gila River	\$40,000

F201	White Tanks Dam No. 4	\$14,000
F300	Spook Hill FRS	\$9,000
F371	Upper New River	\$13,000
F450	Glendale/Peoria ADMP	\$3,041,000

Primary factors associated with forecast expenditure **decreases**:

F022Design delayed awaiting project partner alternative selection – funding reallocated to accelerate other projects. F117Construction estimate reduced during design refinement – funding reallocated to accelerate other projects. F121Construction slowed due to logistical work stoppage – funding reallocated to accelerate other projects. F211Design delayed awaiting project partner alternative selection – funding reallocated to accelerate other projects. F420Construction delayed – funding reallocated to accelerate other projects. F442Construction delayed – funding reallocated to accelerate other projects. F470Design delayed for IGA finalization – funding reallocated to accelerate other projects. F480Construction scope reduced by project partner (lead agency) due to lack of funding – funding reallocated to accelerate other projects. F620Construction cost estimate reduced – funding reallocated to accelerate other projects. F625Design completion by project partner (lead agency) delayed – funding reallocated to accelerate other projects. FCPR Funding reallocated to accelerate other projects.

Primary factors associated with forecast expenditure **increases**:

F026Construction cost estimate by project partner (lead agency) increased. F118Accelerated to utilize available funding. F126Accelerated to utilize available funding. F201Accelerated to utilize available funding. F300Increase in projected legal costs associated with condemnation settlement; net revenue anticipated. F371Updated land management cost projection higher than previous projection. F450Accelerated to utilize available funding. This Agenda Item impacts all Supervisory Districts. (C-69-09-039-2-00)

**F-3. CONTRACT WITH OLSSON ASSOCIATES FOR CAMELBACK ROAD STORM DRAIN - FINAL DESIGN – APPROVED**

Award Contract FCD 2008C024, Camelback Road Storm Drain (59th to 75th Avenues) Final Design (Project [#620 – Maryvale Area Drainage Master Plan ] ) to Olsson Associates. The contract is for a lump sum of \$654,311.33, plus a not-to-exceed amount of \$306,077.29 for optional items. The optional items, which include additional design, survey, plans, meetings, utilities potholing, and geotechnical investigation, and will only be implemented if required. The total contract amount, including the optional items, will not exceed \$960,388.62. The contract performance is 378 calendar days effective the date of the Notice to Proceed.

This Project is for 10-year-level-of-protection storm drain system along Camelback Road from 59th Avenue to 57th Avenue. The storm drain system will outfall to the existing Bethany Home Outfall Channel system. Both completed systems will combine to provide a 100-year level of protection for many homes in the area, while eliminating a large 100-year floodplain to the south of Camelback Road. The Flood Control District of Maricopa County (District) is the lead agency for the design of the Project. The Cities of Glendale and Phoenix will share in the cost of the design in accordance with Intergovernmental Agreement FCD 2000A013 approved by the District Board of Directors on March 21, 2001 (C-69-01-054-2). This is a qualification-based selection in accordance with Maricopa County Procurement Code, Article 5, Paragraph 504. The Project is located in Supervisor District 5. (C-69-09-043-5-00)

**F-4. IGA WITH CITY OF AVONDALE FOR AGUA FRIA RIVER LEVEE SAFETY MITIGATION – APPROVED**

Approve Intergovernmental Agreement (IGA) FCD 2008A009 Agua Fria River Levee Safety Mitigation between the Flood Control District of Maricopa County (District) and the City of Avondale (City). This IGA is for cost sharing and construction of safety enhancements on the District's existing Agua Fria River Levees (Project). The Project cost is estimated at \$440,000, and will be shared equally between the District and the City up to \$50.00 per linear foot, with the District's share capped at \$25.00 per linear foot. The City will be responsible for operation and maintenance for the Project and for any and all public use. This Agreement shall become effective as of the date it has been executed by all parties. This Agreement shall expire 10 years from the date of recording with the County Recorder or upon completion of the PROJECT. The target date for completion for all phases is November 1, 2018.

The District has begun to evaluate existing facilities such as the Agua Fria Levees based on the City of Avondale's request for Regional Levee Safety Mitigation in the FY 2004/2005 CIP Prioritization Procedure. These investigations indicated that although portions of the Agua Fria Levees have barriers, there are approximately six miles of the levees that do not. The use of District facilities along the Agua Fria River for recreational purposes, as indicated in the 221 Agreement (IGA FCD 77001) between the District and the U.S. Army Corps of Engineers, is an essential component of the Maricopa County Regional Trail System. As such, the District may develop cost sharing opportunities that reduce the District's capital and operation and maintenance costs for the installation of safety enhancements on District facilities. This project is located in Supervisory District 5. (C-69-09-036-3-00)

**FLOOD CONTROL DISTRICT ADDENDUM**

**FA-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS – APPROVED**

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-271-7-00)

**LIBRARY DISTRICT AGENDA**

**L-1. AMENDMENT TO IGA WITH SPECIAL HEALTH CARE DISTRICT FOR LIBRARY AUTOMATION – APPROVED**

Approve Amendment No. 3 to an Intergovernmental Agreement between Special Health Care District and Maricopa County through the Library District in the not-to-exceed amount of \$11,500. The purpose of this amendment is to continue providing Health Care District library automation. This amendment is effective from January 1, 2009 to December 31, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect.

The Library District has provided the Health Care District with library automation of the public catalog, acquisitions, cataloging and circulation operations since calendar year 2006. The current agreement expires December 31, 2008. The Health Care District wishes to continue receiving the service. The Health Care District shall pay the Library District \$11,500.00 for calendar 2009. (C-65-06-018-2-03)

## **CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

46. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.) – **NO ACTION**
47. Supervisors'/County Manager's summary of current events. – **NO ACTION**

**\*\*\*The Board of Supervisors will now consider Code Enforcement Reviews.\*\*\***

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.**

## **CODE ENFORCEMENT REVIEW**

### **PZ-1. BUTTERNUT TRUST NO. 9707 – UPHELD**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V20081189, Butternut Trust No. 9707. (Supervisor District 2) (C-44-09-075-M-00)

### **PZ-2. GUSTAVO AND ROSALINDA GARCIA - V200700808 – UPHELD AS AMENDED**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Case No. V200700808. (Supervisor District 3) (C-44-09-074-M-00)

**\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning.\*\*\***

## **PLANNING AND ZONING AGENDA**

### **REGULAR AGENDA**

#### **1. ARIZONA OLYMPIAN GYMNASTICS – CONTINUED TO 2/25**

Case Number: Z2007003  
Supervisorial 1  
District:

Applicant: Beus Gilbert, PLLC for Lyle Guthrie  
Location: West of Gilbert Road and north of Brooks Farm Road (in the Chandler area)  
Request: Special Use Permit (SUP) with 24-hour emergency vesting for the Arizona Olympian Gymnastics Facility in the Rural-43 zoning districts (approx. 2.38 ac.)  
Commission Action: Unknown – scheduled for action by the Commission on 01/15/2009 with staff recommendation for approval as listed above.

The applicant has requested this case be heard at the January 28, 2009 Board of Supervisor hearing. The case has been double advertised, however the minutes of the January 15, 2009 P&Z Commission hearing are not available at this time. (C-44-09-077-7-00)